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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,407	07/11/2003	Kevin Brown	SVL920030004US1	5539
28342	7590	06/13/2006	EXAMINER	
SAMUEL A. KASSATLY LAW OFFICE 20690 VIEW OAKS WAY SAN JOSE, CA 95120			DAYE, CHELCIE L	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/618,407	BROWN ET AL.	
	Examiner	Art Unit	
	Chelcie Daye	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 April 2006.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is issued in response to applicant's amendment filed on April 19, 2006.
2. Claims 1-30 are presented. No claims were added and none cancelled.
3. Claims 1-30 are pending.
4. Applicant's arguments filed April 19, 2006, have been fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 112***

Applicant's amendment filed 4/19/2006 with respect to the 35 USC 112, second paragraph rejection has been fully considered. The corresponding rejection has been withdrawn.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-4, 10-14, 20-24, and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter such as "apriori knowledge of the type information prior to the execution of the trigger query statements in the database", "automatically creating at run time based on the real-time data feed", and "trigger query statements", which was not described in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner is unsure why the trigger statements are required to be "trigger query statements", and how the "trigger query statements" are different than the originally stated "trigger statements"? Also, examiner is unsure if the "trigger query statements" are input by the user, and if so, how would the user know the appropriate "trigger query statement" to enter into the system? Further, examiner is unclear how the claimed invention is deriving the type information, "without apriori knowledge of the type information prior to the execution of the trigger query statements in the database". If there is no prior knowledge of the type information, how is the user suppose to know what information is available/acceptable for the particular program and what is the benefit of not knowing the type information before-hand? Lastly, examiner is unclear why the system can only "automatically create, at run time based on the real-time data feed, trigger query statements"? If the system is a real-time data feed, the information is fed into the system immediately (i.e. Live), therefore, if the system is only allowing for information to be created at run time, then is the real-time data feed utilizing its particular potential? Since there is no support provided, examiner is unable to make/use the amended portion of claims 1-4,10-14,20-24, and 30, therefore no art will be applied at this time for the amended portion.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**2. Claims 1,4-9,11,14-19,21, and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Peskin (US Patent Publication No. 20030046304).**

Regarding Claims 1,11, and 21, Peskin discloses a processor-implemented method of automating an identification and type information configuration for a real-time data feed to a database in a database management system, comprising:

automatically<sup>1</sup> (¶0026, lines 1-3, Peskin) creating trigger statements (¶0026, lines 3-6, Peskin) for execution in the database (¶0031, lines 2-14, Peskin); and

automatically (¶0026, lines 1-3, Peskin) deriving a type information<sup>2</sup> (¶0034, lines 8-14, Peskin) for the real-time data feed (¶0031, lines 2-4, Peskin) from the data feed being loaded (¶0071, lines 12-21, Peskin).

Regarding Claims 4,14, and 24, Peskin discloses a method further comprising building a data structure for a database trigger (¶0063, lines 1-10,

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<sup>1</sup> Examiner notes: the electronic scheduler is not based on time, therefore allowing the scheduler to perform its actions when needed (i.e. automatically).

<sup>2</sup> Shown is the various type of information that the system can contain.

Peskin; wherein “event-based appointment table” corresponds to a data structure and a database trigger corresponds to “event-trigger field”).

Regarding Claims 5,15, and 25, Peskin disclose a method comprising converting the data structure to a type descriptor (Fig.5; ¶0070, lines 1-8, Peskin; wherein a type descriptor corresponds to “event”), in order to identify a type of data that the data structure is expected to hold (¶0073, lines 3-12, Peskin).

Regarding Claims 6,16, and 26, Peskin discloses a method comprising extracting a sub-type descriptor from the type descriptor (¶0072, lines 9-16, Peskin; wherein a sub-type descriptor corresponds to the “event action”, which cannot take place unless the event is satisfied), to automatically (¶0026, lines 1-3, Peskin) find the type of data being loaded (¶0034, lines 8-14, Peskin) by the real-time data feed (¶0031, lines 2-4, Peskin).

Regarding Claims 7,17, and 27, Peskin discloses a method comprising storing a type name for the data feed (¶0048, lines 5-7, Peskin), to automatically (¶0026, lines 1-3, Peskin) find the type of data being loaded (¶0034, lines 8-14, Peskin) by the real-time data feed (¶0031, lines 2-4, Peskin).

Regarding Claims 8,18, and 28, Peskin discloses a method comprising getting a table name (Fig.2, item204, “Contact Table”, Peskin) and a column

name (Fig.2, item 208, "Contact Number", Peskin) being populated by the real-time data feed (¶0048, lines 11-15, Peskin).

Regarding Claims 9,19, and 29, Peskin discloses a method wherein the type information (¶0034, lines 8-14, Peskin) and an extended identification that is referred to as extended-id (¶0055, lines 6-12, Peskin), are obtained from a system catalog to build the data structure (¶0055, lines 1-5, Peskin; wherein the system catalog corresponds to contact record, which is a column located on a table).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2,3,10,12,13,20,22,23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peskin (US Patent Publication No. 20030046304) as applied to claims 1,4-9,11,14-19,21, and 24-29 above, and further in view of Wilmot (US Patent Publication No. 20040003009).**

Regarding Claims 2,12, and 22, Peskin discloses all of the claimed subject matter. However, Peskin does not explicitly disclose a method wherein the trigger statements comprise an insert trigger. On the other hand, Wilmot discloses a method wherein the trigger statements comprise an insert trigger (¶0014, lines 3-4, Wilmot). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Wilmot's teaching into the Peskin system. A skilled artisan would have been motivated to incorporate the insert trigger after the creation of the data feed because a trigger allows a user to fill in missing information before it is committed and check that any changes to a system are correct. Peskin and Wilmot are analogous art because they are from the same field of endeavor of real-time information within a database. As a result, in order for the missing information to get filled in, there must be a statement telling the system to do so (i.e. insert trigger).

Regarding Claims 3,13, and 23, the combination of Peskin in view of Wilmot, disclose a method wherein the trigger statements comprise a plurality of update triggers (¶0014, lines 3-4, Wilmot).

Regarding Claims 10,20, and 30, the combination of Peskin in view of Wilmot, disclose a method comprising getting a plurality of unique pairs () of a plurality of table names (Figs. 2,3,4, "Contact Table", "Location Table", "Event-Based Appointment Table", Peskin) and a plurality of column names (Figs. 2,3,4,

"Contact Number", "Address", "Event Action", Peskin) for which triggers will be automatically created (¶0026, lines 1-3, Peskin).

***Response to Arguments***

*Applicant argues, Peskin does not disclose automating an identification and type information configuration for a real-time data feed.*

Examiner respectfully disagrees. In response to applicant's arguments, the recitation "automating an identification and type information configuration for a real-time data feed" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

*Applicant argues, Peskin does not disclose "apriori knowledge of the type information prior to the execution of the trigger query statements in the database", "automatically creating at run time based on the real-time data feed", and "trigger query statements".*

Examiner respectfully disagrees. Applicant's arguments with respect to claims 1-4,10-14,20-24, and 30 have been considered but are moot in view of the 112, first paragraph rejection as stated above.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 7, 2006

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